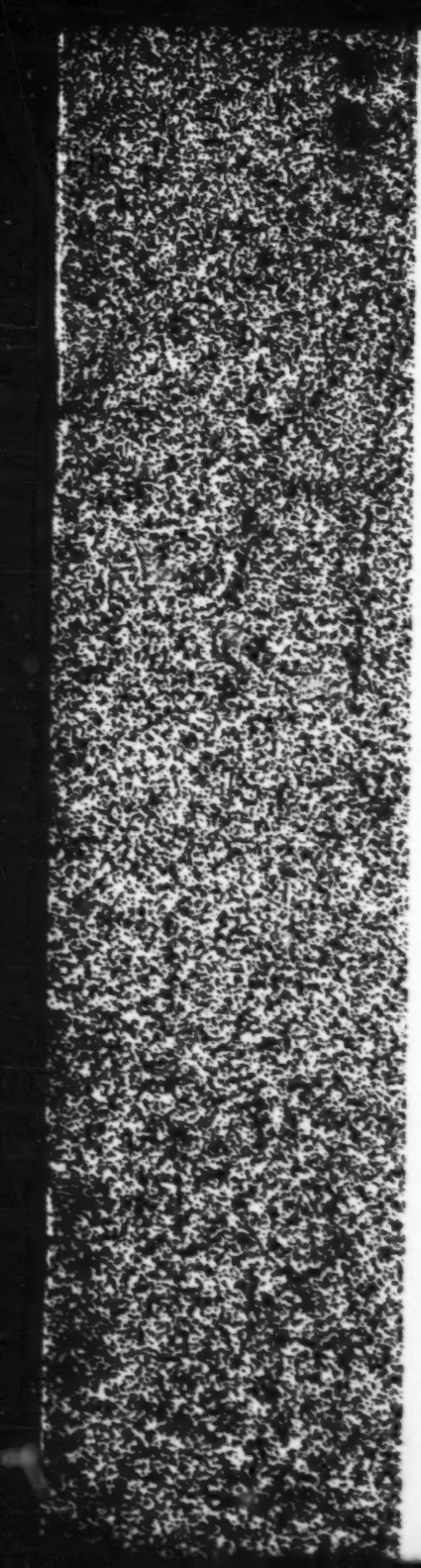

Framework for our children's future:

The School Act, 1988

Alberta

EDUCATION

The new School Act for Alberta will continue Alberta's leadership role in education. With this new legislation, the foundation has been laid for the future of our education system as we approach the 21st Century. This firm foundation sets a clear direction, one with the sole purpose of ensuring that Alberta children and young people receive an excellent education which builds on their strengths and talents, and provides them with the skills, the knowledge, and most importantly, the confidence to shape the course of the future.

The process for developing a new School Act has been unique. It began over four years ago. The process involved written submissions, letters, public hearings, at least three discussion documents, thousands of meetings, phone calls and discussions. The debates were lively and wide ranging. There were disagreements over complex and sensitive issues. Some suggested that the task should be abandoned. But those who suggested this forgot that one of the most difficult challenges of leadership is to raise important issues, to propose directions, to listen to opposing views, then to take decisive action. To tackle difficult tasks in the face of competing interests and opinions is the responsibility of leadership.

This unprecedented process of consultation has resulted in new legislation which reflects the views of Albertans and at the same time, sets a clear direction for future changes in education. It is vitally important to note that throughout the discussions there has been widespread support for the five underlying principles on which the new legislation was framed. Those principles - access to quality education, equity, flexibility, responsiveness, and accountability - continue as the guiding principles for the new School Act.

The new School Act is unique in another way. Literally thousands of Albertans have had a part in developing this important new legislation for young Albertans. It is an Act which reflects the importance of our democratic tradition.

"Framework for our Children's Future" describes the major changes that were made to reflect the advice that government received from a broad cross-section of Albertans.

All Albertans are encouraged to read this brief summary. For those who want further information of a more detailed nature, copies of the School Act are available and a comprehensive guide to the new legislation has been prepared providing more detailed information about the new Act.

Guarantees for Severely Handicapped Children

The new School Act guarantees access to an appropriate educational program for all Alberta students. The issue of how best to meet the multidisciplinary needs of severely handicapped and medically fragile children needed to be debated. And as a result, Albertans have told us that these children must be guaranteed a program and services that meet their unique needs. Consequently, with the new School Act, **all children in Alberta will be guaranteed access to the education system and to a program which addresses their unique needs.** To help in the process, the concept of a Special Needs Tribunal has been retained but its role has been changed. Instead of the Tribunal deciding whether or not a child could be served in school, the role of the Tribunal now will be to review cases in which a school board cannot provide a program for a child, to develop a plan for meeting the needs of the child, to determine which services are available and which agencies should provide those services to the child, and finally to determine the educational component of the child's program and the funding responsibilities of the school board.

With these important changes, all children will be guaranteed a place in the education system. While schools will not be responsible for meeting all the specialized needs of children - this responsibility must be shared with community agencies, hospitals, medically trained experts, and parents - schools will be full partners in ensuring that the child's unique needs are addressed. With a network of agencies and services coordinated and focussed on the child's needs, we can be confident that these very special children will be helped in every way possible to meet their own potential.

Parents and Schools

The new School Act was designed to reflect the important fact that parents must be involved in a meaningful way in important decisions about their children's education. **No changes have been made which would in any way compromise the parent's role in the education of their children.** But many people, including parents, told us that as long as there was a provision for the establishment of school councils, there was no need to specify how they should be established, what their membership should be, and what role they should play. These decisions can and should be made locally and can vary across the province depending on the wishes of parents and school boards. Consequently, changes have been made in the School Act which retain the right of parents to establish school councils but allow for flexibility. Decisions about the formation and operation of school councils are left to parents and their elected school boards.

Provincial Responsibility and Local Autonomy

Much has been said about this issue. Some school boards said that their autonomy and their ability to make local decisions should not be eroded and the discretionary authority of the Minister of Education should be limited.

To be effective, the School Act must balance the powers and responsibilities of the province with the powers and responsibilities of locally elected school boards. It must recognize that the strength of Alberta's education system lies in strong leadership and

commitment to education at both the provincial and local levels. The new School Act has been completely reviewed from this perspective. The number of cases in which the Minister may make regulations has been reduced from 106 to 31. The key areas in which the Minister of Education must continue to have an important role are in areas where students must be guaranteed access to an education. This includes Constitutional guarantees, hearing appeals from parents about the placement of their children, school closures, and fees. Parents have told us clearly that they do not want the courts to be their only avenue of appeal on matters which are vital to their children's education. This is a responsibility which the province must fulfil while at the same time, never precluding a parent's right to take a matter to the courts.

As a government, we are confident that this new legislation provides an effective balance between the powers and responsibilities of the province and those of local school boards. That balance will ensure that students are at the focus of all activities in the education system, and that all decisions, regardless of where they are made, must be in the best interests of students.

Equity in Education Funding

The discussion paper - "Equity in Education Funding" - served two very important purposes. It focussed attention on the fact that there are inequities in how much money is available to school boards across the province and in how much people pay in taxes to support education depending on where they live. Secondly, it stimulated an essential debate on ways in which the inequities in education funding could be addressed.

Albertans value education and feel very strongly that all students, regardless of where in the province they live, must have access to a good standard of education. The lack of wealth in the form of taxation from businesses, corporations or local residents should not jeopardize the ability of any student to access an education. That message is clear. It is also clear that Albertans believe that the problem of inequities in funding must be addressed.

But how to address the inequities is a complex issue. Albertans in different parts of the province have different opinions about how to address the issue. While some school boards have argued strongly that any proposals to take away their power to tax corporations in their community are a serious threat to their autonomy, others have argued with equal conviction that the underlying problem, namely unequal distribution in corporate wealth, must be addressed, otherwise their ability to continue to operate will be seriously hampered.

As a government, we have listened carefully to the advice we have received. The problem of inequities in the funding of schools and school boards cannot be allowed to continue. The province must assume a clear leadership role in addressing an issue which is vitally important to the future ability of students from all parts of this province to access an education which meets their needs. Consequently, **the province will assume responsibility for addressing inequities in funding of school jurisdictions in poorer areas of Alberta through the general revenues of the province. No changes will be made in the legislation concerning how school boards are funded. The current system will continue.** However, in the future, we will place the highest priority on ensuring equity both in our funding system and in the programs that are available to students. The general revenues of the province will become the primary source of providing equity in funding. All current grant programs, especially the current equity grants, will be reviewed over the coming months to develop the most effective means of providing equity in funding using the

province's general revenues. And the poorer areas of the province have a strong commitment from this government that they will see changes - changes which will ensure that they are able to provide their children with excellent education opportunities in the future.

Separate Schools

The new School Act reinforces Alberta's strong tradition of one public system with two dimensions - one public dimension serving all students, and one separate dimension serving, in most cases, Catholic children and their parents. Despite the fact that this tradition is guaranteed in the Canadian Constitution, many Catholics asked that the new School Act confirm the identity of separate schools and also include other changes to reflect the realities of Catholic families today. To address these concerns, several important changes have been made.

To begin with, the preamble to the new School Act contains a statement which recognizes in legislation the fact that Alberta's publicly funded education system has two dimensions - public schools and separate schools. Since the statements in the preamble apply to all the subsequent sections of the Act, there can be no question that the important role of separate school jurisdictions in Alberta is recognized.

Perhaps the most significant change relates to interfaith marriages. The current School Act requires parents in interfaith marriages to split their taxes. However, parents indicated their strong desire to direct all of their taxes to the school system that their children attend. They also want to be able to vote in the system their children attend so that their role in selecting trustees and influencing local education policy would be protected.

To address this issue, **the new School Act introduces**

a new concept - the family unit. With this concept, both parents in an interfaith marriage will be able to choose to support either the public or the separate system. All the taxes from the family unit then would be directed to that system and both parents would have the right to vote and run for office in that system. The option of splitting taxes will continue for those who choose to do so. This new concept is an important recognition of the changing nature of Alberta families and the fact that legislation must keep pace with the changing realities of Alberta society, while continuing to recognize Constitutional guarantees.

Since the time Alberta was first formed as a province, people who were the minority faith, either Protestant or Catholic, had a right to form separate school districts. Once those separate districts are formed, people of that faith must be supporters of the separate system. They have no choice. That fact is entrenched in the Canadian Constitution and no provincial legislation can change that right. All those who are not members of the minority faith, except those in interfaith marriages, belong to the public school district. That position is reflected in the School Act.

There are some other important changes that should be mentioned briefly:

1. Changes have been made so that it's clear that religious instruction in separate schools is not confused with alternative programs. Separate schools have the right to provide religious instruction to their students.

2. Forming new separate districts is a right guaranteed for people of the minority faith. Because the decision to form a separate district is a significant one, the School Act requires a quorum of 25% of the members of the minority faith to attend a public meeting where a decision about forming a separate district is to be made. Where, in exceptional circumstances, it isn't possible to achieve a quorum, the Minister has the authority to call a plebiscite for this purpose.

3. Currently when people who own residential property don't declare whether they are public or separate school supporters, all their taxes go to the public system. On the other hand, taxes from businesses which do not declare themselves as either public or separate school supporters are split on the basis of number of students in each system. With the new School Act, all undeclared taxes for schools will be split between public and separate school boards on the basis of the number of students.

Taken together, these important changes not only reflect the strong tradition of separate schools in the past but set in place a firm foundation for their future growth and the development of both dimensions of Alberta's publicly funded school system.

Language Programs in Alberta Schools

Alberta is a province rich in cultural and ethnic diversity. As a result, Alberta students are fortunate to have opportunities to learn both of Canada's official languages as well as a broad variety of other languages such as aboriginal languages, Ukrainian, German, Chinese, Italian and Hebrew. This recognition of the importance of language programs is reflected in the new School Act.

As a key component of language programs for Alberta students, the new School Act provides recognition of the guarantees which the Charter of Rights and Freedoms provides to the French minority in Alberta. **Parents who qualify under Section 23 of the Charter to have their children educated in French will have those rights reflected in provincial legislation.** In several parts of the province, excellent programs have been developed for French students and these are strongly supported by the French community. These initiatives will

continue and will ensure that French parents in Alberta have the kinds of opportunities for their children which are envisioned by the Charter.

The importance of opportunities for Alberta students to learn French as well as a variety of other languages also is recognized in the School Act. Through alternative programs, school boards across the province will continue to provide excellent opportunities for students to learn a variety of languages. Offering alternative language programs will continue to be at the discretion of local school boards who are in the best position to respond to their parents and communities.

In an open and tolerant society, there is room for programs and schools which serve a variety of students from different backgrounds. The new School Act will ensure both the Constitutional guarantees for French parents and continuing opportunities for students to learn a variety of languages.

The New School Act - A Firm New Foundation

The new School Act can be compared to the foundation and frame of a house. In the day-to-day activities in education, we don't think much about legislation, just as we don't think much about the foundation of the house except when it's being built or we want to remodel the house. But the foundation is vitally important. Without a firm foundation to a house, it will eventually collapse. Without a firm foundation in education, we will not be able to set a course for the future which guarantees that young Albertans continue to receive an excellent education.

With the changes described in this document and the valuable advice we have received from Albertans, we, as a government, have established a firm foundation for education in this province - a foundation which will govern our education system both now and as we approach the 21st Century.

For further information about the School Act, please contact:

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